

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

MARTHA LeMASTER, on behalf
of Andrew A. Seamon,

Plaintiff,

vs.

Civil Action 2:07-CV-463
Judge Sargus
Magistrate Judge King

MICHAEL J. ASTRUE, Commissioner
of Social Security,

Defendant.

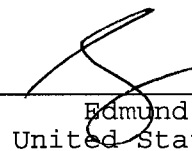
ORDER

On August 6, 2008, the United States Magistrate Judge issued a *Report and Recommendation* recommending that the decision of the Commissioner be reversed and that the action be remanded for further consideration of Dr. Sotos' report and opinion that plaintiff's diabetes meets or equals Listing 109.08A. The parties were specifically advised of their right to object to the *Report and Recommendation* and of the consequences of their failure to do so. There has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is hereby **ADOPTED** and **AFFIRMED**. The decision of the Commissioner of Social Security is **REVERSED** and this action is hereby **REMANDED**, pursuant to Sentence 4 of 42 U.S.C. §405(g) for further consideration consistent with the foregoing.

8-25-2008

Date


Edmund A. Sargus, Jr.
United States District Judge